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Fall 1995

Alumni Quarterly - Issue No. 57

University of Maine School of Law

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SCHOOL OF LAW

University of Maine

Solicitor General Drew S. Days Delivers Fourth Coffin Lecture

Solicitor General of the United States Drew S. Days, III delivered the Fourth Annual Frank M. Coffin Lecture to the public on Wednesday, September 13 at 7:30 PM at the Portland High School Auditorium. An annual event, the lecture honors Judge Frank M. Coffin, senior judge of the United States Court of Appeals for the First Circuit. The Coffin Lecture brings to the Law School and the community leaders who have made significant contributions to law and public service.

At a noontime session with law students General Days talked about his duties as Solicitor General in representing the government in cases before the Supreme Court. He also talked about his work with the



General Drew S. Days presents the Coffin Lecture while Judge Frank Coffin and Dean Donald Zillman look on.

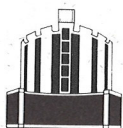
NAACP Legal Defense Fund and took time for a question and answer session. Before the lecture, General Days attended a reception in honor of Judge Frank Coffin held at the Moser Gallery in Portland.

At the evening lecture, Solicitor General Days spoke on the topic: "Race and the Federal Criminal

Justice System: A Look at the Issue of Selective Prosecution." Days examined the charge of unconstitutional selective prosecution in three contexts: the prosecution of crack offenders; the imposition of significantly harsher penalties for crack, as opposed to cocaine powder offenses; and decisions with respect to seeking the death penalty. In each context, charges of racial discrimination have been made based upon racial

disparities; this in turn has led to questions about the probative value of statistics showing racial disparities. "In each of these areas," said Days, "the Attorney General and other top Justice Department officials have gone to great lengths to evaluate these claims and have (continued on next page)"

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Number 57

Fall 1995

Portland, Maine

found no basis for believing that they accurately describe the way in which federal prosecutorial decisions are made."

In addressing the prosecution of crack offenders, Days talked about a recent decision by the United States Court of Appeals for the Ninth Circuit in the case, *United States v. Armstrong*, where five black defendants indicted on various crack charges alleged the U.S. Attorney's Office had prosecuted them because of their race. "Only one item of evidentiary support was submitted," said Days, "statistics from the Federal Public Defender's Office which stated that, in 1991, all of the 24 defendants in crack cases closed by the FPD were black." The ruling was upheld.

Days recounted another similar recent case from the Central District of California, *United States v. Henry*, where defendants relied on a study purporting to show a statistically significant disparity between the numbers of whites prosecuted for cocaine offenses in state court, as opposed to federal court for the years 1989-91. "The government filed an extensive response to the motion," Days said, "the defendant's motion was denied."

"The selective prosecution issue raised in *Armstrong* and *Henry* is an important recurring one," Days stated. He pointed out that as of July 1995, there were dozens of selective prosecution motions at various stages of litigation in the Ninth Circuit alone. "Nationwide,

statistics on federal crack cocaine prosecutions are stark, with blacks comprising 90% and whites just under 4% of crack defendants," Days stated. "Our response to these data and allegations has not been to brush them aside but



The Honorable Drew S. Days III

rather to explore their implications and to develop the most reliable empirical information possible to ensure that the federal government is acting fairly in the regard on a national basis."

In drug sentencing, the authorized penalties for possession of crack cocaine are 100 times the authorized penalties for possession of powder cocaine, Days pointed out. He told the audience, "statistics show the majority of users of crack are African-Americans, leading to charges of racial discrimination." "Moreover," he stated, "statistics show that crack sellers are more often prosecuted in federal court than powder cocaine sellers and that crack sellers are predominantly

African-American. . . . In order to determine whether race plays a part in arrest decisions, it is important to control for variables other than race that may affect a person's risk of arrest." Variables include: type of drug used; frequency of drug use; and geographic location of drug use. "The bottom line," said Days, "is that we are making serious and concerted efforts to locate explanations for nation-wide federal prosecution figures that appear, at a superficial level, to be out of line from a racial perspective."

According to Days, statistics also play a part in the controversy over capital punishment. African-Americans are sentenced to death in numbers far out of proportion to their percentage of the population. Days defended the new federal capital punishment provisions, which contain numerous procedural safeguards to prevent against racial discrimination.

In his concluding statement Days said, "I believe that charges of selective prosecution on the basis of race (or on any other invidious grounds, for that matter) must be taken seriously. But, I also think that reason, not rhetoric, should guide our consideration of such charges. Where they prove to be true, the federal government has a constitutional duty to take corrective action. Our oaths of office as prosecutors and the communities we serve demand no less."

The entire text of General Days' Coffin Lecture will be printed in the *Maine Law Review*. If you are interested in obtaining a copy, please call the *Maine Law Review* at (207)780-4357. ■



(left to right) Solicitor General Drew Days talks with Shep Lee and Harold Pachios



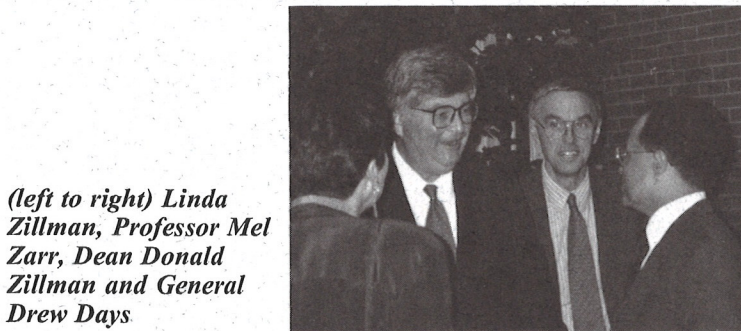
(left to right) Ruth Coffin, Judge Frank Coffin and Dean Ed Godfrey chat before the lecture.



Dean Ed Godfrey chats with Roz Bernstein '86 before the lecture.



Student Bar Association President Randall Bates introduces General Drew Days to students and faculty.



(left to right) Linda Zillman, Professor Mel Zarr, Dean Donald Zillman and General Drew Days



Judge Frank Coffin asks a question of General Days at the noontime lecture.



General Drew Days with Professor Merle Loper, Professor David Cluchey and Visiting Professor from Russia Zemfira Kozochkova



Professor Kinvin Wroth and General Drew Days at the Coffin Lecture Reception

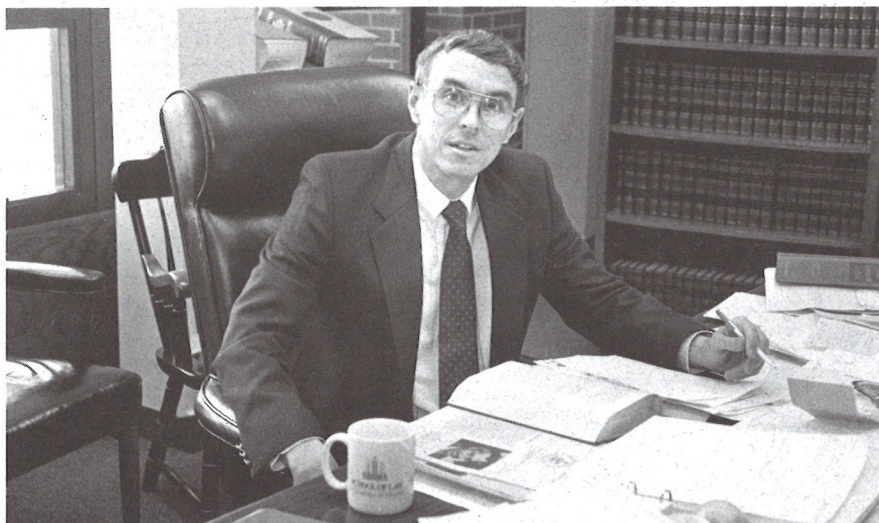


USM President Richard Pattenaude and the Hon. Drew S. Days



Judge Coffin and General Days enjoy a quiet moment before the lecture.

Dean's Column



Dean Donald N. Zillman

One of the happy developments at the Law School is the School's growing interest in international study and research. I strongly believe that the lawyers of the 21st century need an exposure to the law of other countries and cultures. For many graduates, their overseas connections will be infrequent during their professional careers. Yet, they are better able to perform their work in Maine because they have some exposure to the international legal system. For other graduates, a growing number, crossing the Atlantic or Pacific on professional business may be no more uncommon in 2010 than taking a train to New York or Chicago was to the Maine lawyer of the 1950s. And the wonders of electronics may make the actual travel a rarity.

This fall six students from Canada, France, and Ireland are one semester visitors at the Law School. Maine students have returned visits to Galway, LeMans, Dalhousie, and New Brunswick. For those unable to commit a full semester to overseas study, the LeMans exchange has inaugurated one week exchanges between the campuses. (More on that later!)

This summer four of our faculty were overseas on professional work of one sort or another. Jim Friedman and Lois Lupica each spent a

month in Israel pursuing research on terrorism and civil rights (Jim) and bankruptcy and business regulation (Lois). Librarian Bill Wells provided his consulting skills to several East African Law Schools. Dave Cluchey undertook two trips to Russia. The first was an ABA sponsored consultation visit to St. Petersburg and Ekaterinberg. The second allowed him to teach as part of Case Western Reserve and Cleveland State's summer program in St. Petersburg. I kept a close eye on CNN and the world news pages.

I had already battled jet lag and enjoyed the stimulation of different cultures in March. A busy week during Spring Break let me complete work on an exchange program with the University of Buckingham in the United Kingdom and let me join the Maine Law visit to our exchange partner the Université du Maine in LeMans, just an hour by TGV from Paris.

Buckingham is a fascinating new University, all of 20 years old and England's first private university. It is located in a lovely old market town about 20 miles from Oxford and an hour from London. It puts great stock in its practical training, acceptance of mature students (anyone over 23 in UK parlance), and international focus. Several of the classes I visited

looked like mini-United Nations with British, Arab, Asian, European and African students studying law. The faculty have a nice understanding of American quirks and virtues. In short, I returned very excited about completing a formal exchange agreement which we did this May.

From Buckingham I traveled by bus, rail, bus, rail, subway, and rail again to LeMans. The three hour trip by the Eurotunnel from London to Paris ranks high on my personal "who would have imagined it" list. I arrived in LeMans just in time for the opening buffet banquet at the University. All food should be this good.

The next morning we started a vigorous series of seminars and visits to legal and governmental offices around LeMans and Sarthe. The tourism was delightful. But, what sticks in the mind were the academic exchanges. The French language improves with use and is aided immensely by context. Our group of French and American professors, students, judges (our own Andre Janelle representing us superbly), and practitioners took a cross cultural look at such issues as federalism, constitutional rights, separation of powers, and the powers of the courts. Professor Marty Rogoff and LeMans Dean Christophe Guettier did a superb job of making the program instruct and inspire. I look forward to the visit from LeMans next March. ■



Randall Bates '96 takes over as "Dean for a Day" on September 12. Randall was high bidder at last year's MAPIL Auction for the opportunity to don the deanly duties for a day.

Faculty News

Associate Dean and Professor Michael B. Lang was elected a Fellow of the American College Of Tax Counsel at the College's August meeting. To be nominated for the College (which has fewer than 600 members), an individual must have fifteen years of experience, principally in tax and related matters, and have demonstrated an exceptional degree of professional commitment to the practice of tax law through various professional activities. Professor Lang spoke on "Implications of Recent Supreme Court Decisions for Circular 230 Advertising and Solicitation Limitations" to the ABA Section of Taxation Committee on Standards of Tax Practice in Washington in May. In September, he was a panelist for the Maine State Bar Association CLE Program "Asset Protection Strategies, Devices and Concerns" in Portland. Professor Lang has been recently appointed to the Curriculum Committee of the ABA Section on Legal Education and Admission to the Bar. Professor Lang and **Professor Colleen Khoury** expect the 1995 Supplement to their treatise **FEDERAL TAX ELECTIONS** to be published in November. Professor Lang continues to compile quarterly supplements to the Index to Federal Tax Articles with Isa Lang.

Professor Merle Loper attended the annual meeting of the Association of Judicial Disciplinary Counsel in San Francisco on July 26-29, participating as a reacting panelist to a presentation on "How Judges Learn." On September 13 Professor Loper and **Dean Donald Zillman** spoke to the Maine Legislative Task Force on Takings. They introduced the 24 members of the Task Force to the United States Supreme Court treatment of Fifth Amendment issues.

Professor and Law Library Director William W. Wells was asked to serve as a consultant to the University of Asmara in Eritrea. The University, after thirty years of civil war, is trying to provide a quality education to its students. Their desire was to automate

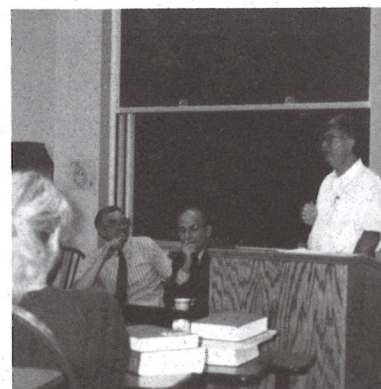
as many of their systems as possible. During his two week stay in Eritrea, Professor Wells reviewed the University Library and made recommendations for automating their library functions. He was also asked to make suggestions on the automation of University administrative functions (student records, payroll, employee records, etc.).

In September, **Professor L. Kinvin Wroth** served on a New England Association of Schools and Colleges accreditation team that inspected the new Southern New England School of Law in New Bedford, Massachusetts. On October 11 Professor Wroth, **Dean Donald Zillman**, **Professor David P. Cluchey** and **Professor Michael W. Mullane** attended the Forum on the Future of Legal Services, an all-day meeting in the State House convened by Chief Justice Daniel E. Wathen, '65, Maine Bar Association President Susan E. Hunter, '76, and Maine Bar Foundation President Vendean V. Vafiades, '85. Professors Mullane and Wroth were on the planning committee for the Forum. The program was designed to consider solutions for the problems that will be presented for the delivery of civil legal services for the poor in Maine by the imminent massive reductions in federal funding for the Legal Services Corporation. On October 24, Professor Wroth and Louise K. Thomas, '77, presented a CLE program on current issues in professional responsibility at a meeting of the Androscoggin County Bar Association. The program was the first in a series that Professor Wroth and Ms. Thomas will be presenting at county bar meetings during the year.

Dean and Professor Donald Zillman, **Professor David Gregory** and Attorney Jack Simmons are pleased to announce the appearance of the First Supplement to *Maine Tort Law* in October 1995. Dean Zillman served as commentator on the O.J. Simpson verdict on television channels 6 and 13. ■

Obituary

Justice Sidney Wernick died on September 22, 1995, at age 81. Since 1987, he has taught a course in Legal Process at the Law School. Dean Donald Zillman wrote the following words to the Law School community in remembrance of Justice Wernick: "Justice Sidney Wernick's death removes a true pillar of the Maine legal community. We also mourn a good friend of the Law School. As a trial and appellate judge, Justice Wernick personified the judicial scholar, learned in the law and wise in the ways of humanity to which the law applies. Justice Wernick's retirement from the Maine Supreme Judicial Court allowed him to bring his enormous talents as a teacher to the Law School. His course was called Legal Process. But, as all of his students knew, the course was really 'Sid Wernick.' It is my good fortune to hear praise for many of our regular and adjunct faculty. But, the words of praise for Sid were in a unique category. If one word could sum up the student attitude it would be 'awe.' We treasure the memory." ■



Professor Mel Zarr makes a point during a panel discussion on the U.S. Supreme Court's 1994-95 Year in Review held on September 7. Also joining in the discussion were Dean Zillman, moderator, and Professor Jim Friedman. Missing from the photo was panelist Professor Merle Loper.

News from the Law School

Law School Hosts "Friends & Family" Reception



Friends and family of first year law students experience a law class simulation conducted by Constitutional Law Professor James Friedman.

The Annual First Year "Friends & Family" Reception was held at the Law School on September 8. It was an opportunity for parents, spouses, partners, and other friends of first year law students to experience what law school life is really like.

visitors in his welcoming address. "You will be asked to proof legal writing assignments, listen to Moot Court arguments, help prepare the suits and schedules for interviewing season, host social events, and serve as sounding board for discussions about abortion, *Miranda*



Panelists Rebecca Raskin '97, Ron Schneider '96, Jodi Nofsinger '96 and Andrew Robinson '97 share their Law School experiences at the "Friends & Family" Reception.

"As you already have learned, you become a part of this three year educational experience," Dean Zillman told the

rights, contributory negligence, and liquidated damages."

Several events were planned throughout the afternoon. Visitors became law students in a first year class simulation conducted especially for them by Constitutional Law Professor James Friedman. They then attended a panel discussion where second and third year law students discussed the delights and difficulties of being a law student. The day ended with a reception and an opportunity for the visitors to meet with faculty, staff and each other. ■

A New Year Begins

They are the chosen few culled from a pool of over 850 applicants. Some came straight to law school with undergraduate degree fresh in hand. Others came with years of professional work experience behind them. They were winners in a process that earned them a coveted place in the Class of 1998.

Ninety-four students attended the first day of orientation on August 23. They listened as Dean Zillman introduced them to themselves. Their average age is 29.5. Sixty-one percent are Maine residents and 43 percent are women. They came to law school from over 40 undergraduate institutions including branches of the University of Maine System, Brown, Yale, Vassar, Howard, Utah State, University of Wisconsin-Eau Claire, Loyola of Los Angeles, Wellesley, Wesleyan, Clark, University of California-Berkeley, Bates, Bowdoin, and Colby, Florida State,

Valparaiso, University of North Carolina, University of New Hampshire, University of Massachusetts and University of Vermont.

They have worked as legislative lobbyists, real estate appraisers, paralegals, police officers, business owners, audiologists, pathologists, child protective workers, actors, military officers and enlisted people, and university fund raisers. In their spare time they can be found running, walking, cycling, playing most team sports, enjoying the performing arts, helping with all variety of good causes, and caring for their families.

"You enter legal studies at a challenging time," Dean Zillman told the entering class. He presented them with a list of challenges, they, as law-trained women and men in the 21st Century would come up against. "There is great work to be done by lawyers," he said, "and the Admissions

Committee is persuaded that you have the potential to make those contributions in this great public profession." ■



Laura O'Hanlon '92 and Rob Hoy '83 review Fournier v. Rochambeau Club for first-year student orientation. Jim Bowie '77 also participated in the presentation.

Wanderer '90 Heads Up Legal Writing Program

She is enthusiastic, energetic and welcomes the challenge of developing a new approach to teaching legal writing and research to law students. Nancy Wanderer '90, formerly an attorney with the Maine Health Care Finance Commission, will head up the Law School's first year legal writing course and co-direct the law school communications program.

Professor Wanderer's career prior to attending law school was entirely in education, focusing on counseling and language arts. A native of Pittsburgh, Pennsylvania, Wanderer moved to Waterville, Maine, in 1978. A stay-at-home mom for the previous eight years, Wanderer spent the time looking after her two sons and earning her Master's Degree in supervision and human relations. From 1978-80, she taught writing and was director of special services for disadvantaged students at Unity College in Unity, Maine. A burgeoning interest in counseling led Wanderer to get her certificate of advanced study in counselor education in 1982. She taught language arts to junior high school students ("the toughest job I ever had") while earning her certificate and then accepted a job as a high school guidance counselor in Skowhegan.

Wanderer's interest in the law was sparked while working as Associate Director for Career Counseling at Colby College. As the drafter of the college's sexual harassment policy, Wanderer was asked to be an advocate for an instructor involved in a sexual harassment case. "I decided I needed the right credentials for this type of work," Wanderer stated. She applied and was invited to join the University of Maine School of Law Class of 1990. While at law school her interest in women's and minority rights grew. Her talent as a teacher and a writer earned her a two-year appointment as a student writing instructor and the title of Executive Editor of the *Maine Law Review*.

Wanderer's first job after graduating from law school was clerking for Maine Supreme Court Justice Daniel E. Wathen. "I did some of my best work on women's rights



Professor Nancy Wanderer

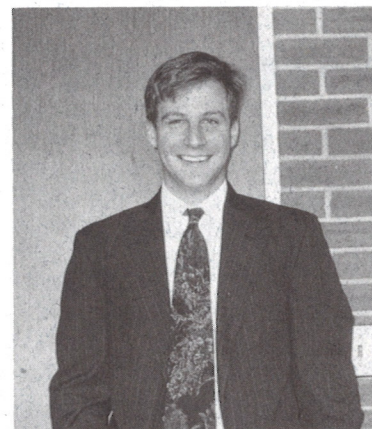
during my discussions with Justice Wathen," she said. When her clerkship ended, Wanderer accepted a job at a large Portland law firm representing clients in employment discrimination matters. After a year, her desire to work in the public sector led her to a job working as an attorney for the executive director of the Maine Health Care Finance Commission. When the Legislature voted to abolish the Commission in 1995, Wanderer asked herself "what do I really want to do?"

Her answer came on a very hectic day in May of this year. Wanderer's son had just graduated from the University of Maine School of Law; her mother was visiting from Pittsburgh with the purpose of buying the new graduate a car; and Wanderer was committed to speak at a Maine Women's Fund breakfast. All events were happening in Portland. Wanderer had also planned to attend a law school alumni lunch being held in Augusta. "I had a feeling I needed to be at that lunch," she stated. Her intuition paid off when chatting with Assistant Dean Barbara Gauditz about her interest in heading up the Law School's writing program. "Mary Nelson, who was standing nearby, drew Mel Zarr, Director of the Writing Program, and Dean Zillman into the conversation," said Wanderer. "The rest is history."

Wanderer lives in Topsham with her partner, Susan Gates, a guidance counselor. She has two sons,

Andrew '95, a legislative intern at the White House in Washington, D.C. and Peter, a student at Williams College, who is spending his junior year in China. She is vice president, soon to be president of the Maine Women's Fund, an organization that raises grant monies for women's causes. For fun, Wanderer and her partner have organized a women's bicycling group, "The Amelia Wheelhart Feminist Biking Club," and she sings with Women in Harmony, a Portland choral group.

"I love this job," said Wanderer. "It is a perfect fit with my writing, teaching and counseling background." She went on to say, "The students seem positive about the program. I hope it will continue." ■



*Michael Bresnick, editor-in-chief,
Maine Law Review*

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Summer Institute EXCELS in Teaching Tolerance

The eighth annual Summer Institute hosted by EXCEL (Excellence in Citizen Education through the Law) was held at the Law School from July 31-August 4. Twenty-eight Maine teachers, counselors, and administrators attended the Institute which focused on conflict management education. Sessions were led by Theresa Bryant, Director of EXCEL; Pam Anderson, Associate Director of EXCEL; and Kate Neale, mediator and mediation trainer. Law Professor Judy Potter proffered her expertise on arbitration in a session on how to negotiate effectively.

EXCEL, formerly Maine Law Related Education, is a coalition

composed of the University of Maine School of Law, USM School of Education, the Maine State Bar Association and the Maine Bar Foundation. Established in 1988 to forge a partnership between law, education and the community, EXCEL provides teachers and school administrators with training in law related education, conflict management, and peer mediation. Student focused activities include the Maine High School Mock Trial Competition, the annual Youth for Justice Summit and the 1995 Maine Conference of Youth Mediators.

The Institute highlighted the issue of sexual orientation discrimination in schools, focusing

on how to make schools safe for gay, lesbian, bisexual, and transgender students. Two students talked about their personal experiences with sexual discrimination in school. Attorney Richard O'Meara and Karen Greenstein from the Maine Civil Liberties Union conducted a classroom-style debate on homosexual rights.

During the final day 30 coordinators of school mediation programs joined Institute participants for a conference on peer mediation. Richard Cohen, a nationally known school mediation consultant, was keynote speaker. The Institute closed with a luncheon at the Regency Hotel and a talk on homosexual discrimination in Maine by attorney Patricia Peard '88, President of the Maine Civil Liberties Union. ■

Take Me Out to the Ball Game

Maine Law Night at the Sea Dogs was held on August 23. Law School faculty, staff, alums and family and friends attended a picnic held at the Law School before the big game.

June Zellers '86 and friend at the Sea Dogs picnic.



Judy Potter and husband, and Roz Bernstein '86



Dean Ed Godfrey cheers on the Sea Dogs while Dean Don Zillman and Linda Zillman watch the game.



Lise Wagner '93 (left) and Jim Bowie '77 (right) along with two unidentified Sea Dog supporters enjoying the festivities.

Law School Hosts Gathering of International Energy Law Experts

The discussion was vigorous as members of the International Bar Association (IBA)'s Section on Energy and Natural Resources Law Academic Advisory Group met for an exchange of ideas on Post-Privatization Developments in Energy Law. The meeting occurred in Portland, Maine, but attracted participants from around the world. Talk focused on the major changes that have occurred in the structure of electric and natural gas utilities and the marked changes in the roles of government in their ownership or regulation.

Dean Donald Zillman, a member of the Advisory Group, participated in the October 13-15 gathering along with Chairman Al Lucas, University of Calgary (Canada); Professor Gunther Kuhne (University of Clausthal, Germany); Mr. Peter Cameron and Ms. Martha Roggenkamp (International Institute for Energy Law, University of Leiden, Netherlands); Professor Anita Ronne (University of Copenhagen, Den-

mark on assignment to Polish Ministry of the Interior, Warsaw); Mr. Ulf Hammer, (University of Oslo, Norway); Mr. Inigo del Guayo (University of Madrid, Spain); Mr. Stephen Dow (University of Dundee, Ireland); Professor Ernest Smith (University of Texas); and Ms. Catherine Redgwell (University of Nottingham, United Kingdom).

Also joining in the discussions were Mr. David Flanagan, CEO of Central Maine Power Company and Mr. John Bernotavicz, Curtis, Thaxter, Stevens, Broder & Mico-leau, both experienced international energy law practitioners.

The IBA's Section on Energy and Natural Resources Law includes in its membership law firm members, corporate attorneys and executives, government officials, and members of multinational organizations from around the world. The fifteen members of the Academic Advisory Group are selected by the Section from among energy and natural resources legal academics worldwide. ■



Domestic Violence Awareness month was recognized by the Women's Law Association and the National Lawyer's Guild as cosponsors of a literature drop and food sale to benefit the Rape Crisis Center and Family Crisis Shelter in Portland. From left to right are Kate Faragher and Mary Beth Crocket, both '97.



(left to right) Professors Colleen Khoury, Tom Ward and Mike Mullane compete for the jackpot during a game of Legal Jeopardy held on November 2.

Law School Receives Bequest

The Law School received the largest bequest in its history in November. Selma Bernstein, widow of Judge Louis Bernstein, died in May, 1995, and the Law School was notified at that time that it had been named as one of the beneficiaries of the estate. When the estate was settled, the Law School received a bequest of \$165,750.

"The Law School is greatly honored to receive a gift from the Selma Bernstein Trust," Dean Zillman said. "We are looking forward to developing an appropriate program to honor and memorialize Selma and Louis Bernstein."

Louis Bernstein attended the Peabody Law School (the predecessor law school to the University of Maine School of Law), and served as Recorder and as Judge in the Portland Municipal Court (the predecessor court to the District Court). The terms of the estate restrict the gift "for programs which enhance the administration of justice in the Courts of the State of Maine and in particular the District Court."

The Bernstein family has deep ties to the Law School. Sumner Bernstein is an adjunct member of the faculty. His wife, Rosalyne Bernstein, is a graduate of the Law School (Class of 1986), Sumner and Roz' son Andrew Bernstein is a graduate of the Law School (Class of 1980), and, over twenty years ago, the family established the "Israel Bernstein Memorial Scholarship Fund" which provides scholarship assistance to current students. Israel Bernstein, father of Sumner Bernstein, was a founding partner of the Bernstein, Shur, Sawyer & Nelson law firm. "We are very grateful to the Bernstein family for their loyalty and support of the University of Maine School of Law," stated Mary Nelson, Director of Development. "Their generosity and commitment to the Law School enhances our programs and enriches the quality of the education provided by the Law School." ■

Maine 175: The Bench and Bar of the District of Maine in 1820

by Professor L. Kinvin Wroth

This year, Maine celebrates 175 years of statehood. Not surprisingly, 1995 also marks the 175th anniversary of the Maine Supreme Judicial Court, established by Maine's new Constitution in 1820. The story of the Massachusetts court system and its lawyers in the Commonwealth's Maine counties before 1820 strikingly illustrates how the downeast tail had come to wag the Massachusetts dog, so that separation and statehood were inevitable. At the same time, the establishment of the Maine Court is a remarkable example of the continuity that has been characteristic of Anglo-American legal institutions.

For the framers of the Maine Constitution, the model for the Supreme Judicial Court lay ready at hand. Since 1699, the highest court of Massachusetts had been traveling to Maine on the so-called "eastern circuit." Each year in June, the justices and an entourage of clerks and lawyers would make the long trip from Boston to hold single terms for trials and appeals at York and Falmouth (now Portland). After 1780, as the population of what had come to be called "the District of Maine" grew and expanded, the eastern circuit expanded as well. By 1820, an active Maine bar was arguing and trying cases at five "law" terms held by the full Massachusetts Supreme Judicial Court and four trial terms held by single justices of the Court.

Concern for access to the Court played an early role in Maine's drive for statehood. Between 1784 and 1820, the population of the District of Maine grew from 56,000 to nearly 300,000, increasing also from 20 per cent to a third of the total population of Massachusetts. Maine's economic prosperity and population growth, as well as other factors such as distance and the instinct for independence, began to create agitation for separation from Massachusetts as early as 1785. One issue was, of course, restiveness with a Supreme Judicial Court "from away." In a

1792 pro-separation address, lawyer Daniel Davis noted that separation would permit more frequent sittings of the Supreme Judicial Court and that Maine could boast "four or five men" with qualities "equal to an honourable discharge of the duties of a Supreme Court." The oft-told tale of the indictment of two justices of the Court for breach of the sabbath as they traveled through Freeport en route to hold court in Lincoln County in 1791 undoubtedly conveys some hint of popular sentiment at this time.

For the time being, the concern with the Court "from away" was resolved as a problem of court administration. The records and the clerk of the Court had always traveled from Boston with the justices on circuit. This cause of tension was eased in 1797 as part of a general subsidence of separationist sentiment, when Massachusetts legislation provided that thereafter the clerk of each county Court of Common Pleas should serve as a Clerk of the Supreme Judicial Court and should keep the records of that Court's terms in each county.

Legislation enacted in 1805 established the pattern that was to endure until statehood and beyond. The full Supreme Judicial Court was to hold five one-week law terms on the eastern circuit in May and June. Four two-week trial terms were to be held in Maine during September and October. After the creation of Somerset (1809) and Penobscot (1816) counties, the law terms were held at York for York County, Portland for Cumberland and Oxford counties, Augusta for Kennebec and Somerset counties, Wiscasset for Lincoln County, and Castine for Hancock, Washington, and Penobscot counties. The trial terms were held in reverse order at Wiscasset, Augusta, Portland, and Alfred.

In addition to bringing the centralizing force of a single appellate

court to the farthest reaches of the Commonwealth, the eastern circuit created a unique environment for judges and lawyers. In the pre-Revolutionary years, the leaders of the Suffolk County bar — John Adams, Robert Treat Paine, and others — had made the arduous trip with the Court. At a later period, the lawyers resident in Maine, who now argued nearly all of the eastern circuit cases, traveled with the Court within the District and joined the judges and others at their lodgings in the evening. When "progress" brought an end to the circuit system, Maine lawyers recalled it with nostalgia and viewed its decline as a significant setback to the nature and quality of practice.

The work of the Supreme Judicial Court on the eastern circuit dramatically illustrates the importance of the District of Maine in the overall economic and political life of the Commonwealth. Maine cases constituted a substantial, as well as substantive, portion of the Court's total caseload. The first volume of the Massachusetts *Reports*, published in 1805, contains thirty opinions handed down in decisions rendered in the five eastern circuit law terms of the Supreme Judicial Court. This number represented twenty-five percent of the 120 cases reported in that volume. The figures for the next 15 years are comparable. The subject matter of the opinions rendered in Maine cases between 1805 and 1820 reveals a complex and varied docket. The majority of the cases involved economic issues — marine commerce and insurance, contractual claims, real estate, water rights, and commercial law. But issues of greater moment appear as well — religious freedom, right to jury trial, full faith and credit.

Decisions in these Maine cases reflected the magnitude and complexity of Maine's booming maritime economy and were part of the



A MAP of the DISTRICT of MAINE, Drawn from the latest Surveys and other best AUTHORITIES, 1795. This map is part of the exhibit currently on display at the Osher Map Library at the University of Southern Maine, "Maine 175: A Celebration of 175 Years of Maine Statehood." The eastward spread of settlements across the District of Maine created difficulties with access to courts, and petitions submitted to the General Court of Massachusetts resulted in the formation of new counties with their own courthouses and jails. Some of the communities in which the court sat, referred to in Professor Wroth's article, are shown on the map. The "Maine 175" exhibit runs through March 2, 1996.

seamless web of Massachusetts law. For example, the Portland Bank, chartered in 1799, was party to a decision of major economic as well as constitutional importance to the Commonwealth. *Portland Bank v. Apthorp* (1815), raised the question whether a tax on the value of the paid-in capital stock of banks incorporated prior to enactment of the tax act was constitutional. The case was argued in Boston by the Attorney General and a distinguished array of Maine and Boston counsel, but the decision was handed down on circuit in Portland. Echoing (though not citing) *Marbury v. Madison*, Chief Justice Isaac Parker asserted in strongest terms the power of the Judiciary to declare "void and inoperative" a legislative act that "does in fact violate the constitution or affect the rights of individuals in a manner which is repugnant to its character and principles," because "the constitution is the supreme law of the land, and the only source of authority to the legislature, as well

as to the other branches of the government." This said, however, Parker went on to find the measure valid under the taxing power granted in the Massachusetts Constitution. The case continues to be cited in Massachusetts for both its constitutional and statutory holdings.

Between 1780 and 1820 the bar of the District of Maine attained full autonomy and control of the practice within the District and before the Supreme Judicial Court. Throughout the period, the Maine bar was a remarkable source of talent for the ranks of the Court itself. At the beginning of the Revolution, eight of the 71 lawyers in the Province of Massachusetts practiced in Maine. Despite competition from Boston, lawyers of stature had begun to base themselves in Maine and to do the lion's share of the business there. The impact of the Revolution for a time substantially curtailed the practice of law throughout Massachusetts. In 1780, only thirty-four

trained lawyers remained in active practice in the state, with only three in Maine.

After the Revolution, the Massachusetts bar experienced growth parallel to or exceeding that of the general population. Throughout the Commonwealth, the number of lawyers increased to 112 in 1790, and to 200 in 1800. The number of lawyers in the District of Maine grew from 16 in 1790 to 54 in 1800. The number of Maine lawyers increased to 201 out of the 710 in Massachusetts by 1820.

Growth in the size of the Maine bar led to formal organization. Beginning in 1789, an organization styling itself "members of the Bar practicing in the courts of the District of Maine" met periodically, concerning itself primarily with minimum fees and the standards for admission of new lawyers. Reflecting presumably not only the Bar's historic instinct for monopoly but the District's growing desire for autonomy, the rules governing

admission increasingly focused not only on educational requirements but on geographical restrictions. No lawyer was to be admitted whose office study had not occurred within the District of Maine. In 1800, the Association for the District of Maine subdivided itself into county bars, which continued to exercise to an even greater extent close control of the gateway to practice.

Surviving records offer a curious vignette of bar discipline on the eve of statehood. At a meeting of the members of the Kennebec bar on June 1, 1819, it was "voted unanimously, that Zachariah Soule is & has been for sometime past a person of dissolute & profligate life, that it would be derogatory to suffer him to retain his relation to the profession of the law & that he be no longer considered thereof or entitled to any of its privileges." Soule, previously convicted of adultery, was formally disbarred at the June 1819 term of the Supreme Judicial Court. The solemnity and righteousness of this action were apparently too much for at least one of the gentlemen of the bar. On a loose sheet in the Bar Book appears the following couplet:

*Souls without bodies I should always
admire,
If all souls that had bodies, were like
Soule Zachariah.*

The homogeneity of the Maine bar, as well as the quality of those who sought to learn and practice their profession in the eastern parts, is illustrated by the impact that the bar had on the Massachusetts Supreme Judicial Court. Three of the six individuals who held the office of Chief Justice and five among the 14 others who served as associate justices between 1780 and 1820 had been Maine practitioners at some point in their careers. This phenomenon may reflect the originality and hardihood of those who practiced on the frontier or their relative neutrality in the politics of Boston.

The phenomenon begins with Maine's eight pre-Revolutionary lawyers, five of whom went on to be justices of the high Court and attained other distinction. William Cushing practiced in Pownalborough from 1760 until 1772, when

he was appointed to the provincial Superior Court (predecessor of the Supreme Judicial Court of the Commonwealth). He was the only holdover from the provincial court to sit on the Superior Court established by the independent Colony in 1776 and became Chief Justice in 1777 when John Adams, being otherwise occupied, resigned. Cushing held that position until 1789 when he was appointed first Associate Justice of the United States Supreme Court, where he sat until his death in 1810. In 1796 he was nominated and confirmed as Chief Justice of the United States but declined to serve for reasons of health. James Sullivan, who practiced in York from 1770 to 1778, served on the Superior and Supreme Judicial courts from 1776 to 1782 and was Governor of Massachusetts in 1807-08. David Sewall, for many years the only trained lawyer in York, was appointed to fill the vacancy left by Adams on the Superior Court in 1777 and served on that court and the Supreme Judicial Court until his appointment as the first United States District Judge for the District of Maine in 1789. He held that position until 1818. Thus, from the date of Sewall's appointment in 1777 until Sullivan stepped down in 1782, Maine lawyers not only held the Chief Justiceship but were a majority of the Court.

Other Maine lawyers from the pre-Revolutionary period served on the Court in later years. Theophilus Bradbury, who was admitted in Cumberland County in 1762 and practiced there until 1779, served in the General Court and Congress and then sat on the Supreme Judicial Court from 1797 until a stroke led to his removal by legislative address in 1803. Theophilus Parsons, who began the practice of law in Cumberland County in 1774, was a leading lawyer in post-revolutionary Massachusetts and served as Chief Justice of the Supreme Judicial Court from 1806 to 1813.

The Maine bar continued to be an important source of justices for the Supreme Judicial Court in the first quarter of the 19th century. In addition to the service of Bradbury

and Parsons, George Thatcher, who started a practice in York and Biddeford in 1782 and served in Congress from 1788 until 1801 and as a member of the Maine constitutional convention of 1819, was a member of the Court from 1801 until 1824. Isaac Parker practiced in Castine, which he represented in the General Court from 1791 until 1795. He served a term in Congress in 1797 and was appointed to the Supreme Judicial Court in 1806. Appointed Chief Justice in 1814, he served with distinction in that post until 1830 and was Royall Professor of Law at Harvard from 1816 until 1827. Samuel Sumner Wilde practiced in Waldoboro and Warren after his admission to the bar in 1792, then moved to Hallowell where he established himself as one of the leading lawyers in the District. He was a member of the Court from 1815 until 1850. Thus, ironically, when Maine finally attained statehood in 1820, the Chief Justice and two of the four associate justices were Mainers.

With continued growth after the War of 1812, and with national political confrontation looming between slave and free states, the move for separation and statehood again gained momentum in Maine. After a failed referendum and convention in 1816, Mainers voted overwhelmingly for separation in 1819, and the state's new Constitution was adopted in December of that year. Congress in the Missouri Compromise, finally accepted Maine as a state by a whisker under the gun of the March 1820 deadline set by the Massachusetts General Court.

The court system of the new state simply picked up where the eastern circuit had left off. The judicial article of the Maine Constitution carried forward the name "Supreme Judicial Court", even though, unlike the Massachusetts General Court, the legislative branch was simply styled "Legislature", so that there would seem to have been little cause for confusion. New courts were speedily activated. The first Chief Justice, Prentiss Mellen, had been a leading practitioner before the Massachusetts Supreme Judicial Court, and Nathan Weston, Jr. and William Pitt Preble, his two associate justices, were lawyers of similar high stature.

The Supreme Judicial Court of Maine held its first terms in the summer and fall of 1820. The cases reported in volume one of the *Maine Reports* for these terms bear a marked similarity to those reported in volume 15 of the *Massachusetts Reports* for the last eastern circuit of the Massachusetts Supreme Judicial Court. The Maine Court frequently cited Massachusetts decisions as authority, drawing on the justices' own

experience in practice. Thus, the work of the Massachusetts Supreme Judicial Court on the eastern circuit provided the intellectual as well as the institutional foundation upon which the Supreme Judicial Court of Maine could begin to build the law and legal system of the new state.

At the same time, the eastern circuit had made important contributions to the development of law and legal institutions in Massa-

chusetts. The service of Cushing, Sullivan, and Sewall immediately after Independence assured the continuity essential to a smooth transition of the civil polity of Massachusetts from Province to Commonwealth. In 1820, Thatcher, Parker, and Wilde remained to lead the Massachusetts Supreme Judicial Court as the heritage of the eastern circuit that had for so long linked the now separate states. ■



Professor L. Kinvin Wroth

Professor L. Kinvin Wroth was coeditor of *Legal Papers of John Adams* (Harvard, 1965), which documented some of Adams' pre-Revolutionary cases on the eastern circuit. The present article is adapted from Professor Wroth's "The Maine Connection: Massachusetts Justice Downeast, 1620-1820," in Russell K. Osgood, ed., *The History of the Law in Massachusetts: The Supreme Judicial Court, 1692-1992* (1992), and "The Supreme Judicial Court of Massachusetts and the Eastern Circuit, 1780-1820," in *Supreme Judicial Court Historical Society, 1993 Annual Report* (1994). ■

Maine Law Graduates Occupy Many Judicial Positions

Graduates of the University of Maine School of Law occupy many of the judicial positions at all levels of the Maine court system. The Chief Justice of the Maine Supreme Judicial Court, the Honorable Daniel E. Wathen, is a 1965 graduate of the University of Maine School of Law. Justice Wathen became the Chief Justice in 1992.

The Honorable Thomas E. Delahanty, II (Class of 1970) is the immediate past Chief Justice of the Superior Court in Maine. The current Chief Justice of the Superior Court is the Honorable Roland A. Cole, Class of 1968. Seven more Maine Law graduates serve as Superior Court justices (meaning over half of the 16 justices of the Superior Court in Maine are Law School graduates): the Honorable Carl O. Bradford '62; the Honorable Susan Calkins '70 (im-

mediate past Chief Justice of the District Court); the Honorable Paul A. Fritzsche '75; the Honorable Margaret J. Kravchuk '76; the Honorable Nancy D. Mills '82; the Honorable Paul T. Pierson '72; and the Honorable Leigh I. Saufleay '80. In addition, two of the five active retired Superior Court justices graduated from the Maine Law School: the Honorable William S. Brodrick '72 and the Honorable Stephen L. Perkins '61.

A third of the 24 justices who sit on the District Court are University of Maine School of Law graduates. The immediate past Chief Judge, Susan W. Calkins '70, was just elevated to the Superior Court. The new Deputy Chief Judge of the District Court is the Honorable Andre Janelle '75. Other alums serving as District Court Judges are the Honorable Ronald A. Daigle '70; the Honorable Joseph H. Field

'76; the Honorable Rae Ann French '72; the Honorable Peter J. Goranites '73; the Honorable Alexander MacNichol '64; the Honorable John Romei '75; and the Honorable Ronald Russell '72. In addition, one of the two Maine Administrative Court Judges is a Maine Law graduate, the Honorable Roland Beaudoin '77 who serves as the Chief Judge, succeeding the Honorable Dana Cleaves '74 who retired last year.

On the federal side, one of the two United States Magistrate Judges in Maine is a Maine Law graduate, the Honorable William S. Brownell '71.

In addition to the judiciary in Maine, there are a number of University of Maine School of Law graduates serving on the judiciary in five different states, from Vermont to Washington. ■

President's Column



June D. Zellers '86

Fall, rather than the New Year, seems to me the time of new beginnings; a product either of my nineteen years of formal education or of a natural calendar set to a different rhythm. The year seems complete with the harvest. We begin again

by taking some time for quiet reflection, learning from what we have just reaped, planning for a new sowing in the spring.

Lots of things are new at the Law School. Of particular interest to me is the Student Loan Repayment Assistance Program (LRAP) being sponsored by the Maine Association of Public Interest Law.

You may know MAPIL as the sponsor of the summer fellowships in public interest law. These fellowships allow students to work part-time for various public interest groups, such as Pine Tree Legal Assistance Corp. In 1995, there were seventeen MAPIL summer fellowships.

You may not know that MAPIL raises more money per capita than similar organizations at other law schools. Its fundraising efforts include events such as the annual MAPIL auction. Your Alumni Association also donates funds to support these summer fellowships.

MAPIL's larger goal, which I wholeheartedly support, is to fund a Student Loan Repayment Assis-

tance Program. This Program will allow graduates interested in public interest law to have some or all of their student loans paid through the Program. MAPIL recently received a \$10,000 foundation grant to help fund a two-year pilot project under which it will award \$2,500 per year to qualified graduates to help defray student loan payments. The application process for this pilot project should be underway by the time you're reading this column.

MAPIL's long term goal is to establish a fund of over \$50,000 from which to finance the Program. Last year, student members of MAPIL approached the Board of Directors of the Alumni Association and asked for our assistance. We are continuing to work with these students to define the role of the Alumni Association in this Program. Seeing the pilot project grow into a strong and self-sustaining Student Loan Repayment Assistance Program is one of my highest priorities. The Board needs to know if it is one of yours. I welcome your thoughts and insights. ■

Alumni Association Establishes Distinguished Service Award

At its meeting in September, 1995, the Board of the Alumni Association unanimously voted to establish the Distinguished Service Award for the University of Maine Law Alumni Association. June Zellers, President of the Alumni Association, said "This Award recognizes the valuable contributions which the Law School's graduates make toward the School and its students, as well as to the legal profession."

The Award will be given annually. The first recipient will be announced at the Law School's Annual Dinner in April, 1996.

The University of Maine School of Law has become increasingly dependent upon a loyal and growing group of alumni who donate time, money, and expertise to help maintain the high quality legal

education available at the state's only law school. Moreover, graduates of the Law School make daily contributions to the advancement of the legal profession and to the cause of justice in Maine and the nation. The Board concluded it was time to recognize these contributions among alumni.

The Board invites nominations for the first recipient of the Distinguished Service Award. A committee of Board members will decide on the recipient. Consideration will be given to the following criteria:

1. A graduate of the University of Maine School of Law.
2. A living person at the date of selection.
3. A person whose activities and qualities are in keeping with

the aims and purposes of the University of Maine Law Alumni Association ("To advance the cause of legal education; to support the pursuit of legal scholarship and the development of the legal profession; to support the educational program of the University of Maine School of Law; and to serve the purposes of graduates, students, faculty, and staff of the Law School. . .").

All nominations for the 1996 Distinguished Service Award must be received by December 31, 1995. Please send nominations in writing to:

Alumni "Distinguished Service Award" Committee
University of Maine School of Law
246 Deering Avenue
Portland, ME 04102

Alums Gather

Alums gathered in August for lunch in Seattle, Washington, with Executive Director Mary Nelson (in Seattle visiting family). The luncheon was held on the top floor (#75) of the Columbia Tower, the tallest building in Seattle. Facing east, the group felt that it could almost see the Law School Building in Portland!

The group had a free-wheeling discussion about law school, professional responsibilities, and the legal world in general. Attending the luncheon were George Bowden '74, Annmarie Levins '83, Bob Bocko '85, Paul Sidoran '55, and Tom Hennen '73. ■



Left to right, George Bowden '74, Annmarie Levins '83, Bob Bocko '85, Paul Sidoran '55, Tom Hennen '73

Summer Bar Meeting Attracts a Large Crowd

The summer meeting of the Maine Bar Association attracted a large crowd at Sugarloaf, USA to attend seminars, share ideas, visit with friends and honor members of the bar. Ron Schneider, a third year student at the University of Maine School of Law, received the Bar Association's Pro Bono Student Award. Ron was recognized for his outstanding law-related service, performed without compensation or academic credit. This service exemplifies the legal profession's tradition of pro bono service. Ron worked in the Cumberland Legal Aid Clinic during the summer of 1995, and chairs the MAPIL Committee at the Law School.

Lewis Vafiades, a member of the Board of Visitors of the Law School, was honored with a Special Appreciation Plaque recognizing the compassion, courtesy, and civility exhibited by Mr. Vafiades, to his clients and his adversaries alike, during his many years of law practice in Bangor.

Alumni of the Law School and others gathered together at a reception on Friday afternoon. In recognition of Bastille Day (July 14), Professor Martin Rogoff described the exchange program between the University of Maine School of Law and Université du Maine in Le Mans, France. ■



Derry Rundlett '73 and Ron Cullenberg '71 relax at the summer Bar reception.



Arlyn Weeks '81, Peter Michaud '77, Rick Mulhern '85



Dean Don Zillman, Dennis Mahar '86, Honorable Andre Janelle '75

A Great Day for a Race

On a beautiful September day, '97 runners and walkers finished the four-mile course around Portland's Back Cove in the 17th Annual Law School Road Race. It was the largest field of competitors in the history of the race. The Road Race tradition pits students, faculty, alumni/ae, staff, and friends of the Law School against each other.

The race for the finish line was a competitive one with only 17 seconds separating running times for the top three finishers. Andrew Black '94 headed up a strong field of alum runners, winning the race with a time of 21:30. Andrew also won the Road Race in 1990 (with a

time of 21:26), 1991 (with an identical time — 21:30—as this year), and 1993 (with his best time of 21:21). This year is his first win as an *alum*. Seth Harrow '96, last year's winner, finished close behind Andrew with a time of 21:38. Another alum, Bruce Nicholson '92, finished third.

Rebecca Raskin '97 won the distinction as first female finisher, placing 23rd in the total field of runners. Raskin, with a time of 27:49, crossed the finish line just 16 seconds behind Dean Zillman who raced with his dog, Meander. Catherine Decker '95 came in second in the women's field with a

time of 28:38, and Tina D'Appolonia '98 placed third among the 35 women competitors.

Although Race finishers were not record-breakers this year, race organizer Orlando Delogu bested his time of a year ago by a minute and a half, and moved from a 48th place finish in 1994 to a 36th place finish this year.

All contestants received a 1995 Road Race T-shirt, and twenty prizes were awarded, to the winners as well as to other racers whose names were randomly "drawn." After the race, runners returned to the Law School for refreshments and the presentation of awards by Professor Delogu. ■

Race Results

1. Andrew Black '94	21:30
2. Seth Harrow '96	21:38
3. Bruce Nicholson '92	21:47
4. Kirk Siegel '97	22:14
5. James Haddow '86	23:51
6. James Jackson '97	24:00
7. Patrick Mellor '98	24:16
8. Brad Springer '98	24:18
9. Will Lund '80	24:48
10. Steve Moriarty '78	24:52
11. Gerry Conley '79	25:03
12. Michael Bosse '96	25:12
13. Duncan McEachern '68	25:31
14. Andy Maclean '91	25:53
15. Chris Dinan '82	26:23
16. Chip Mason '96	26:35
17. Will Terrill '97	26:50
18. Eric Olafsen — Other	27:09
19. James Hall '97	27:15
20. David Beneman '85	27:20
21. Jon Goldberg '97	27:26
22. Don Zillman — Fac	27:33
23. Rebecca Raskin '97	27:49
24. Richard Hartley '97	27:52
25. Chris Leddy '96	28:38
26. Catherine Decker '95	28:38
27. Tina D'Appolonia '98	28:52
28. Morse Doane '97	28:59
29. Rob Andrews '98	29:02
30. Ben Rogoff — Other	29:19
31. Ross Povenmire '98	29:25
32. Dan Riley '93	29:33
33. David Cogliano '95	29:34
34. Jonathan Goldin '96	29:36
35. Nelsen Wahlstrom '97	29:49
36. Orlando Delogu — Fac	29:51
37. Larry Walden '83	30:06
38. Sandra Shannon '96	30:13
39. Douglas Britton '97	30:45
40. Karen Lipman '96	31:05
41. Andrew Sarapas '98	31:12
42. Laura Beardsley '97	31:15
43. David Miller '97	31:18
44. Bron Pierson '97	31:34
45. Joe McEachern '98	31:37
46. Brooke Porteous '97	31:39
47. Richard Giordano — Other	31:42
48. Thad Day '97	31:46
49. Jim Katsiaficas '84	32:02
50. Dan Mitchell '96	32:04
51. Mike Bresnick '96	32:14
52. Scott Olafsen — Other	32:20

53. Sue Olafsen '96	32:32
54. David Austin '98	32:49
55. Heather Silverstein '98	33:04
56. Chris Iaconeta '96	33:59
57. David Levesque '97	34:28
58. Martha Siegel — Other	34:28
59. Martin Rogoff Fac	34:40
60. Regan Hornney '96	35:55
61. T. Hornney & Dad — Other	35:55
62. Mark Fischler '97	36:19
63. John Weigold '96	36:26
64. Nancy Morin '97	36:28
65. Dana Bienvenue '96	36:44
66. Aaron Baltes '98	36:54
67. Rebekah Smith '98	36:54
68. Samanth Medved — Other	37:18
69. Melinda Patterson '98	38:14
70. Renee Guignard '98	38:14
71. Lei Shi '98	38:37
72. Ken Medved — Other	39:03
73. Arthur Harris — Other	39:07
74. Martin Womer '97	43:09

75. Orla O'Callahan '96	43:27
76. Dale Eichorn — Other	43:47
77. Dan Eichorn '98	43:47
78. Sharon Gwinn '98	45:10
79. Meg Dewitt '98	45:10
80. Judiann Skehan '98	walker
81. Johanna Medved '97	walker
82. Linda Lockhard '96	walker
83. B.J. Broder '97	walker
84. Marion Killian '96	walker
85. Nancy Wanderer — Fac	walker
86. Susan Gates — Other	walker
87. Patty Lolar '96	walker
88. Sharon Leddy — Other	walker
89. Kathleen Kahrl '98	walker
90. Tracy Cavanagh '98	walker
91. Laura Harris '98	walker
92. Diane Flynn '97	walker
93. Julie Mallett '98	walker
94. Tom Loureiro '97	walker
95. Pat Mathers '98	walker
96. Chuck Seyboldt '98	walker
97. Barbara Gauditz — Fac	walker



Professor Orlando Delogu conducts the race.



Rebecca Raskin '97, first female to cross the finish line



Andrew Black '94, winner of the Annual Law School Road Race

Rubin Family Establishes Scholarship Honoring Justice Harold Rubin

During this past summer, Peter Rubin, a partner at Bernstein, Shur, Sawyer and Nelson began to explore with the Law School the possibility of establishing a student scholarship to honor his father, Justice Harold J. Rubin. Justice Rubin died in January of 1995, and Peter, his mother, Dorothy Rubin, and his sister, Adelle Rubin wished to honor Harold Rubin in a way which would support the education of trial attorneys in Maine.

Justice Rubin was a trial attorney in Bath, Maine for almost 30 years, and served as a Justice of the Superior Court in Maine for 15 years. Although he obtained his legal training in Boston, the Rubin family wished to honor Justice Rubin in Maine because he spent his entire professional career in Maine.

The scholarship description reads, "It is the intent of the donors that the scholarship be awarded to a student or students who intend to practice in the trial advocacy area

and who show skill, interest, and commitment to trial practice. The donors, in establishing this scholarship, wish to honor Justice Rubin's commitment to trial practice and to the support of legal education. Qualifications of recipients should include at least some of the following: exemplary work in Clinic, or other similar clinics or in a summer internship in the trial area, academic achievement, and the 'temperament' of a trial lawyer."

The first Rubin Scholarship was given out this year to Dan Mitchell, a 3L student who is part of the Advanced Trial Advocacy team for 1995-96. Dan is from Central Falls,



Left to right, Donna Rubin, Dan Mitchell, Dorothy Rubin, Peter Rubin, Adelle Rubin

Rhode Island and went to the University of Rhode Island. He spent this past summer working at the law firm of McLane, Graf, Raulerson & Middleton in Manchester, New Hampshire.

Early in September, the Rubin family joined Dan Mitchell for a celebratory luncheon at the Cumberland Club. ■

Greenberg Reception

Friends and family of Sylvia Greenberg gathered at the Law School on Wednesday afternoon, October 18, 1995 to celebrate the establishment of the Morris and Sylvia Greenberg Scholarship Fund. Sylvia was also joined by students, faculty and staff of the Law School. The Greenberg Scholarship Fund, when fully funded, will be the largest scholarship at the Law School. It will assist many students, primarily from Maine, to pay for their legal education.

"My father would have been very pleased by this scholarship," said Stanley Greenberg, son of Morris and Sylvia Greenberg and a practicing attorney in Portland. Stanley spoke on behalf of the family, and described how his dad had washed dishes in Boston to put himself through law school. Leonard Nelson, a family friend who represented Sylvia Greenberg in establishing the scholarship fund at the Law School, described how easy it was to work with Sylvia Greenberg. "She knew what she wanted to do,

and when she decided where she wanted to do it, she acted decisively and promptly. She was one of the easiest clients I've ever worked with," Nelson told the group.

The first Greenberg Scholarship recipient, Chris Leddy, spoke about how important financial assistance is to him. Leddy is the first in his family to go to college or graduate school. Because tuition is so high, it is a challenge to find the financial resources to support 4 years of college and 3 more years of law school. Leddy and his wife expect their first child in February. Leddy will graduate in May of 1996, and wants to work in



The Greenberg family gathers with the first Greenberg Scholarship recipient -- from left to right, front row, Deborah Greenberg Kaplan, Ruth Greenberg Sylmor, Barbara Greenberg Harrison; back row, left to right, Stanley Greenberg, Chris Leddy, Dean Don Zillman

a district attorney's office. "Thank you so much, Mrs. Greenberg, for making this scholarship available," said Leddy. "It means a lot to me and to my family." ■

SBA Picnic



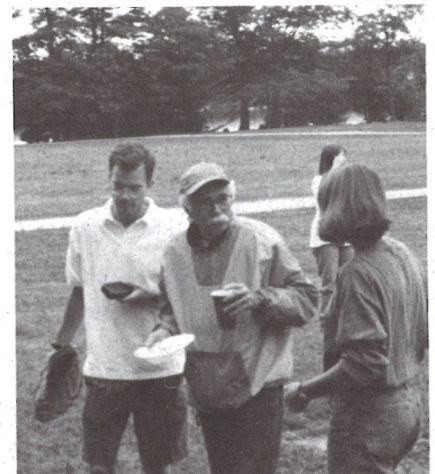
Food, friends and fun at the Student Bar Association's Annual Picnic held at Wolfe's Neck State Park in Freeport on September 9.



"The Dream Team" (left to right) Professors Judy Potter, Tom Ward, Kinvin Wroth, Don Zillman, and Orlando Delogu watch from the sidelines.



Dog on the field! Dean Zillman takes a turn at bat.



Professor Orlando Delogu chats with Jodi Nofsinger '96 (back to) while the ever adroit Randall Bates '96 "channel surfs" and plays ball at the same time.



Where are those brownies?

SCHOOL OF LAW University of Maine

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ADDRESS CORRECTION REQUESTED

The Alumni quarterly is published at the end of March, June, September and December by the University of Maine Law Alumni Office. It is sent to alumni, students, and friends of the Law School. The deadline for each issue is one month prior to publication. Please send items of interest to the Law School community to Mary Nelson or Kristi Clifford, writers and editors, at the above address.

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